

ORIGINAL

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 98-135
Table of Allotments)	RM-9300
FM Broadcast Stations)	
(Lufkin, Texas))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

SEP 21 1998

COMMENTS AND COUNTERPROPOSAL OF HOUSTON CHRISTIAN
BROADCASTERS, INC.

Houston Christian Broadcasters, Inc., (hereafter "HCBI") by its undersigned counsel, hereby respectfully submits these comments and counterproposal in the above-captioned proceeding.

1. HCBI is an applicant for a new noncommercial, educational FM station on channel 201 at Lufkin, Texas¹. The HCBI application was the initial application filed to utilize FM channel 201 in the Lufkin area, but was the subject of the filing of mutually-exclusive applications by the Lufkin Educational Broadcasting Foundation, Inc.² and American Family Association³. At present, these three applications are "frozen" by the Commission pending the outcome in the rule making proceeding to determine the criteria to be used in resolving such

¹ See FCC File No. BPED-960830MF.

² See FCC File No. BPED-970312MD for Hudson, Texas

³ See FCC File BPED-970417MA for Athens, Texas

conflicts.⁴ Thus, the implementation of a new noncommercial, educational broadcast service to Lufkin has been indeterminately delayed. HCBI has attempted to find an alternative channel in the portion of the FM band reserved for noncommercial use, but has determined that no such channel is available at Lufkin.

2. The Petitioner in this proceeding, Russell L. Lindley, has an earlier-filed, second rule making on file with the Commission requesting the assignment of FM channel 230A at Lufkin (RM-9301). HCBI submits that Mr. Lindley's request for the subject commercial FM channel allotment to Lufkin is unnecessarily redundant and an inefficient use of the FM spectrum in light of the lack of alternative noncommercial, educational channels in that community.

3. HCBI requests that the Commission allot FM channel 261A to Lufkin and reserve the use of that channel for noncommercial, educational operation. HCBI further requests that the Commission allow HCBI to amend its application in FCC File BPED-960830MF to specify operation on FM channel *261A in lieu of the present proposal for FM channel 201. This will remove HCBI from the three-way conflict that exists for the use of FM channel 201. HCBI believes that such an action is in the public interest in that it will allow for the prompt institution of a new, noncommercial, educational FM station at Lufkin, Texas, and is consistent with the policy established by the Commission in *Cheyenne and Saratoga*,

⁴ MM Docket No. 97-234, GC Docket No. 92-52 and GC Docket No. 90-264.

Wyoming⁵ and Point Arena, California⁶. HCBI is willing to amend its application to specify a new transmitter site that fully meets the minimum separation requirements of the Commission's rules for operation on FM channel 261A, and make any other necessary engineering modifications to its application.

4. In the alternative, HCBI respectfully requests that the FM Table of Allotments be modified to assign FM channel *261A to Lufkin, Texas, and that the allotment be reserved for noncommercial, educational operation in lieu of commercial broadcast operation, as follows:

<u>Community</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Lufkin, Texas	257C2, 286C	257C2, *261A, 286C

In the event this action is taken, HCBI will apply for the use of channel *261A.

Respectfully submitted,

Houston Christian Broadcasters, Inc.

By: 

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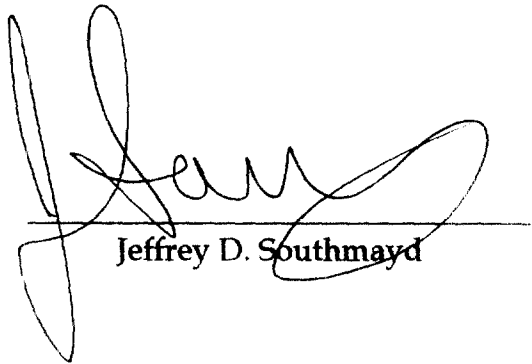
⁵ 11 FCC Rcd 1073 (1996).

⁶ DA 98-1203, released June 26, 1998.

CERTIFICATE OF SERVICE

I, Jeffrey D. Southmayd, do hereby certify that I have caused a copy of the foregoing to be served by first class United States mail, postage pre-paid, on the following on this 21st day of September, 1998.

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